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7 Attorneys for Plaintiff,
8 DEJA NAIR, and all others similarly situated
(Additional attorney for Plaintiff on the following page.)

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 (UNLIMITED JURISDICTION)

12
13 DEJA NAIR, on behalf of herself and all others
14 similarly situated, and the general public,

15 *Plaintiff,*

16 vs.

17 MEDLINE INDUSTRIES, INC., an Illinois
18 corporation; MEDLINE INDUSTRIES
HOLDINGS, L.P., a Delaware limited
19 partnership; MEDLINE INDUSTRIES, LP, an
20 Illinois limited partnership; and DOES 1–50,
inclusive,

21 *Defendants.*
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Case No. 2:22-CV-00331-TLN-JDP

**JOINT STIPULATION AND ORDER TO
CONTINUE THE DEADLINE FOR
PLAINTIFF’S OPPOSITION TO
DEFENDANT’S MOTION TO COMPEL
ARBITRATION AND THE HEARING
ON MOTION TO COMPEL
ARBITRATION**



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JOINT STIPULATION

Plaintiff Deja Nair (“Plaintiff”) and Defendants Medline Industries, LP (formerly known as “Medline Industries, Inc.”) and Medline Industries Holdings, L.P. (collectively, “Defendants” or “Medline”) (collectively the “Parties”), by and through their respective counsel of record hereby stipulate and agree as follows:

1. WHEREAS, Defendants contend that they and Plaintiff are parties to an enforceable arbitration agreement. Plaintiff disputes that the arbitration agreement is enforceable.

2. WHEREAS, Plaintiff’s operative First Amended Complaint contains class allegations and a representative cause of action for civil penalties under the California’s Private Attorneys General Act (“PAGA”).

3. WHEREAS, after the Supreme Court decided *Viking River Cruises, Inc. v. Moriana*, 142 S. Ct. 1906, 1910, 213 L. Ed. 2d 179, 185, 2022 U.S. LEXIS 2940, *1, 29 Fla. L. Weekly Fed. S 370, 2022 WL 2135491 on June 15, 2022, Defendants filed their Motion to Compel Arbitration on August 8, 2022.

4. WHEREAS, Defendants’ Motion is set to be heard on September 22, 2022. The Plaintiff’s Opposition to Defendants’ Motion to Compel Arbitration is due on August 22, 2022 and Defendants’ Reply to Plaintiff’s Opposition is due on September 1, 2022.

5. WHEREAS, David G. Spivak, the lead attorney for Plaintiff, has been out of the office due to being ill. Also, he will be assisting his child in moving out of state to begin college the week of August 22, 2022.

6. WHEREAS, Christina J. Prejean, the associate attorney for Plaintiff preparing the Opposition to Defendants’ Motion to Compel Arbitration will be out of the country on a pre-planned vacation the week leading up to August 22, 2022, the date that Plaintiff’s Opposition to Defendant’s Motion to Compel Arbitration is due.

7. WHEREAS, Plaintiff requests that, and Defendants stipulate to, Plaintiff having additional time to prepare and finalize her Opposition to Defendants’ Motion to Compel Arbitration. It will serve the best interests of the Parties and the Court to continue the hearing on the Motion currently set for September 22, 2022 by approximately 30 days, to November 3, 2022,



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1 with the Plaintiff to submit her Opposition to Defendants' Motion to Compel Arbitration by
2 September 22, 2022, and with Defendants to submit their Reply to Plaintiff's Opposition (if any)
3 by October 3, 2022.

4 **8. WHEREFORE**, it is agreed and stipulated by the Parties that:

5 **1.** The hearing on the Motion be continued from September 22, 2022, at 2:00
6 p.m. to November 3, 2022, at 2:00 p.m.

7 **2.** The Plaintiff shall file her Opposition to Defendant's Motion to Compel
8 Arbitration by September 22, 2022;

9 **3.** The Defendants shall file their Reply to Plaintiff's Opposition (if any) by
10 October 3, 2022.

11 **IT IS SO STIPULATED.**

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13

LITTLER MENDELSON, P.C.

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15 Dated: August 11, 2022

/s/ Steven A. Groode (authorized on 8/11/22)
Steven A. Groode
Jannine E. Kranz
Attorneys for Defendants
MEDLINE INDUSTRIES LP (formerly known as
"MEDLINE INDUSTRIES, INC.") AND MEDLINE
INDUSTRIES HOLDINGS, L.P.

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20 THE SPIVAK LAW FIRM

21 Dated: August 12, 2022

/s/ David G. Spivak
David G. Spivak
Christina J. Prejean
THE SPIVAK LAW FIRM
Attorneys for Plaintiff
DEJA NAIR

22
23
24
25 UNITED EMPLOYEES LAW GROUP

26 Dated: August 12, 2022



Walter L. Haines
Attorneys for Plaintiff
DEJA NAIR

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ORDER

Pursuant to the Parties' stipulation and good cause appearing, the Joint Stipulation to continue the Motion to Compel Arbitration hearing date is **GRANTED**:

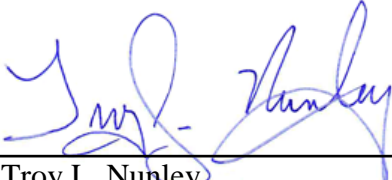
1. The hearing on the Motion be continued from September 22, 2022, at 2:00 p.m. to November 3, 2022, at 2:00 p.m.;

2. The Plaintiff shall file her Opposition to Defendant's Motion to Compel Arbitration on or before September 22, 2022;

3. The Defendants shall file their Reply to Plaintiff's Opposition (if any) on or before October 3, 2022.

IT IS SO ORDERED.

Dated: August 12, 2022



Troy L. Nunley
United States District Judge



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